

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

EMPLOYERS MUTUAL CASUALTY COMPANY,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:05cv602-T
)	
OLLIE WADSWORTH; and JOSEPH M. PIEL,)	
)	
)	
Defendants.)	

RESPONSE TO MOTION FOR SUMMARY JUDGMENT

JOSEPH M. PIEL (“this Defendant”) files this response to the Plaintiff’s Motion for Summary Judgment and states:

1. Piel agrees with co-defendant Wadsworth that Plaintiff’s motion should be denied. Due to the nature of this action, it is not necessary that Piel either join in or adopt Wadsworth’s response to the motion for summary judgment as the dispute in this case is really between Wadsworth and the Plaintiff. The defendants in this case have a number of disagreements in the underlying action. However, Piel, for whatever weight or purpose that the Court may deem it relevant, agrees that Plaintiff’s motion is not well taken, and should be denied.

2. Piel also affirmatively states for the record that he is most certainly seeking mental anguish and emotional distress damages in the underlying action. It is not necessary that such

damages be specifically pled in Alabama, and Piel's general claim for damages in the amended complaint is sufficient.

Respectfully Submitted,

/s/ Brian P. Strength

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel listed below by electronic notification, on this the 27th day of January, 2006;

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/s/ Brian P. Strength

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